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2 999 E Street, N.W. Washington, D.C. 20463 3 SENSITIVE FIRST GENERAL COUNSEL'S REPORT RAD REFERRAL: 07L-27 DATE OF REFERRAL: 8/9/07 9 DATE ACTIVATED: 8/16/07 10 EXPIRATION OF SOL: 10/6/11 11 12 **SOURCE:** INTERNALLY GENERATED 13 14 RESPONDENTS: Committee to Elect Sekhon for Congress 15 and Daljit Kaur Sekhon, in her official 16 capacity as treasurer 17 18 LZ AGN 19 **RELEVANT STATUTES & REGULATION:** 2 U.S.C. § 431(13)(A) 2 U.S.C. § 434(b) 20 21 11 C.F.R. § 100.12 ס 22 11 C.F.R. § 104.7(b) 23 Æ 24 INTERNAL REPORTS CHECKED: Disclosure Reports 25 RAD Referral Materials 26 FEDERAL AGENCIES CHECKED: 27 None 28 I. INTRODUCTION 29 30 The Reports Analysis Division ("RAD") referred the Committee to Elect Sekhon and Daljit Kaur Sekhon, in her official capacity as treasurer, (the "Committee") for failing to provide 31 32 name, employer and/or occupation information for 219 of 245 contributions from individuals (approximately 89%) disclosed in its 2006 October Quarterly Report, amended 2006 12-Day 33 34 Pre-General Report, and amended 2006 30-Day Post-General Election Report, combined. In

addition, the Committee failed to establish that it used best efforts to obtain that information. For

the reasons set out below, we recommend that the Commission find reason to believe that the

Committee to Elect Sekhon for Congress and Daliit Kaur Sekhon, in her official capacity as

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- treasurer, violated 2 U.S.C. § 434(b) by failing to report adequate contributor information and
- 2 failing to use best efforts to obtain that information.

4 II. <u>DISCUSSION</u>

A. Factual Summary

The Committee, a political committee within the meaning of 2 U.S.C. § 431(4), was the principal campaign committee for Arjinderenl Singh Sekhon, a candidate for California's 2nd Congressional District seat in 2006. The first report filed by the Committee was the 2006 Outober Quarterly Report. In that report, the Committee disclosed 10 contributions from individuals on Schedule A (Itemized Receipts), but failed to provide the occupation and/or name of the employer of the contributor for 2 of those 10 entries, or 20% of the contributions. In its next-filed report, the 2006 12-Day Pre-General Report, the Committee disclosed 155 contributions from individuals on Schedule A, but failed to provide the occupation and/or name of the employer of the contributor for 154 of those entries, or 99% of the contributions. Finally, in its 2006 30-Day Post-General Election Report, the Committee disclosed 74 contributions from individuals on Schedule A, but failed to provide the occupation and/or name of the employer of the contributor for 74 of those entries, or 100% of the contributions. Of the 230 deficient contribution entries disclosed by the Committee, 228 listed "self" for both occupation and employer.

RAD sent the Committee separate Requests for Additional Information ("RFAIs") for the 12-Day Pre-General and the 30-Day Post-General Election Reports requesting that the Committee file amendments to include the missing contributor information from the respective report and/or a detailed description of its "best efforts" to obtain the information. In addition,

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- 1 RAD had multiple conversations with the Committee to explain why the information was
- 2 inadequate and what the Committee needed to do rectify the problem. The Committee filed
- amendments to its 2006 12-Day Pre-General and 30-Day Post-General Election Reports,
- 4 however, the Committee's amendments did not provide the missing information for any of the
- 5 contributor entries contained in the original reports and the Committee did not provide any
- 6 evidence that "best efforts" were used to obtain the missing information.
- 7 RAD arrivised the Committee that its amendmenta did not provide the required "best
- 8 efforts" information and again requested that the Committee provide additional information.
- 9 However, to date, the Committee has not submitted any additional information.

B. Legal Analysis

The Act requires candidate committees to identify persons who make contributions that, when aggregated, exceed \$200 for the election cycle. 2 U.S.C. § 434(b)(3)(A). The Act and the regulations define "identification" to include providing the person's name, address, occupation and name of employer. 2 U.S.C. § 431(13)(A); 11 C.F.R. § 100.12. If the contribution is not accompanied by all of the contributor information required to be reported, the committee must undertake "best efforts" to obtain the missing information. 11 C.F.R. § 104.7. Specifically, the committee treasurer must make at least one effort within 30 days of exceipt of the contribution to obtain the missing information; the effort may be in writing or it may be an oral request, documented in writing; it may not include material on any other subject and may not solicit any contribution; and if in writing, it must clearly ask for the missing information and must be accompanied by a pre-addressed return post card or envelope for the response. 11 C.F.R.

The two amendments collectively omitted thirteen previously reported contributions and added nineteen new contributions, two of which lacked adequate contributor information. The Committee did not file an amendment to its 2006 October Quarterly Report.

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§ 104.7(b)(2). Written requests for missing information by authorized committees, such as the 1 2 Committee, must include language along the following lines: 3 Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of amployer of individuals 4 whose contributions exceed \$200 in an election cycle 5 6 7 OT 8 To comply with Federal law, we must use best efforts to obtain, maintain, 9 10 and submit the name, mailing address, occupation and name of employer of individuals whose contributions exceed \$200 per election cycle. 11 12 13 11 C.F.R. § 104.7(b)(1). In this matter, the Committee in its 2006 October Quarterly Report, amended 2006 12-14 15 Day Pre-General Report, and amended 2006 30-Day Post-General Election Report failed to 16 provide contributors' name, employer and/or occupation information for 219 of 245 entries or 17 approximately 89% of contributions from individuals, and failed to establish that it used best 18 efforts to obtain that information. Furthermore, the Committee has provided no documentation 19 substantiating its efforts to comply with the law. Accordingly, we recommend that the Commission find reason to believe the Committee to Elect Sekhon for Congress and Daljit Kaur 20 21 Sekhon, in her official capacity as treasurer, violated the reporting requirements of 2 U.S.C. 22 § 434(b). 23 24 25 26 27 28

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